



Attorney Docket No. 37167-8043.US00

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Date: March 31, 2006

By: Lynnea B. Kennelly  
Lynnea B. Kennelly

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: *Morris et al.*

APPLICATION No.: 09/938,276

FILED: August 22, 2001

FOR: **TISSUE SURFACE TREATMENT APPARATUS  
AND METHOD**

EXAMINER: ROLLINS, R.S.

ART UNIT: 3739

CONF. NO: 1933

**Supplemental Information Disclosure Statement After First Office Action  
but Before Final Action or Notice of Allowance – 37 C.F.R. § 1.97(c)**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. Timing of Submission

The information transmitted herewith is being filed *after* three months of the filing date of this application or after the mailing date of the first Office action on the merits, whichever occurred last, but *before* the mailing date of either a final action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, whichever occurs first. The references listed on the enclosed Form PTO-1449 (modified) may be material to the examination of this application; the Examiner is requested to make them of record in the application.

2. Cited Information

☒ Copies of all references except U.S. patents or published applications (See C.F.R. § 1.98(a)(2)(i))

3. Effect of Information Disclosure Statement (37 CFR 1.97(h))

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to

be, material to patentability. In addition, applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

4. Fee Payment

☒ Applicant elects to pay the fee under 37 CFR 1.17(p) in the amount of \$180.00. Enclosed is a check for \$180 in payment of the fee due.


☒ The Commissioner is hereby authorized to charge any deficiency in fees to assure timely submission of these papers to Deposit Account No. 50-2207.

5. Patent Term Adjustment (37 CFR 1.704(d))

☐ The undersigned states that each item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this statement. 37 C.F.R. § 1.704(d).

Respectfully submitted,  
Perkins Coie LLP

Date: March 31, 2006

  
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**SUPPLEMENTAL INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
Form PTO-1449 (Modified)  
(Use several sheets if necessary)

Page 1 of 1

**COMPLETE IF KNOWN**

Application Number	09/938,276
Filed	August 22, 2001
First Named Inventor	Morris
Group Art Unit	3739
Examiner Name	Rollins, R.S.
Atty Dkt No.	37167-8043.US00
Confirmation No.	1933

**U.S. PATENT DOCUMENTS**

Examiner Initials	Cite No.	U.S. Patent or Application		Name of Patentee or Inventor of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear
		NUMBER	Kind Code (if known)			
		6,638,275	B1	McGaffigan <i>et al.</i>	10/28/03	
		6,419,673	B1	Edwards <i>et al.</i>	07/16/02	
		6,126,657	B1	Edwards <i>et al.</i>	10/03/00	
		US2005/0137662	A1	Morris <i>et al.</i>	06/23/05	

**OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume issue number(s), publisher, city and/or country where published.	T

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Cite No.	Foreign Patent or Application			Name of Patentee or Applicant of Cited Document	Date of Publication or Filing Date of Cited Document	Pages, Columns, Lines, Where Relevant Figures Appear	T
		Office	NUMBER	Kind Code (if known)				
		PCT	WO 03/005919		Guisti <i>et al.</i>	01/23/03		

EXAMINER

DATE CONSIDERED

\*EXAMINER: Initial if reference considered, whether or not criteria is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application(s).